

DNA SAMPLES. COLLECTION. DATABASE. FUNDING. INITIATIVE STATUTE.

ARGUMENT in Favor of Proposition 69

"In California, the remains of a boy missing for two decades are finally identified. Two cold murders are solved in Kansas. And in Texas, a serial sexual predator is captured. The cases are cracked thanks to technology police are calling the fingerprints of the 21st century." (Associated Press, March 2004)

DNA IDENTIFIES CRIMINALS AND PROTECTS THE INNOCENT

"Hunch leads to Rape Suspect's Arrest; Detective obtains DNA Sample from a convicted burglar that links him to attacks on 11 women." (LA Times, April 2004)

"DNA tests clear man of slayings; man jailed since late 2002 on charges of killing his ex-girlfriend and her sister." (Bakersfield Californian, May 2004)

PROPOSITION 69—CALIFORNIA'S ALL-FELON DNA DATABASE

The DNA Fingerprint, Unsolved Crime and Innocence Protection Act helps solve crime, free those wrongfully accused, and stop serial killers. Written by public safety experts, 69 is nonpartisan and endorsed by every major statewide law enforcement organization; crime scene investigators, victims' advocates, district attorneys, defense lawyers, sheriffs, police chiefs, Republicans and Democrats.

PROPOSITION 69 PROTECTS SOCIETY

69 requires convicted felons and those arrested for rape and murder to give DNA (collected by mouth swab, not blood) for a statewide database. Starting in 2009, felony arrestees will also be tested, but those not convicted can have their DNA removed from the database. Taking DNA during the booking process at the same time as fingerprints is more efficient and helps police conduct accurate investigations. No wasting time chasing false leads; DNA can prove innocence or guilt. Protecting peoples' privacy, 69 prohibits any use of DNA besides identification.

34 STATES HAVE ALL-FELON DNA DATABASES

Every unsolved homicide enables criminals to kill again.

Currently, California's DNA database is too small, unable to deal with thousands of unsolved rapes, murders, and child abductions. Initiative sponsor Bruce Harrington's brother and sister-in-law were murdered by one of America's most brutal serial criminals; in Northern California known as the East Area Rapist, in Southern California the Original Nightstalker. Detectives have the killer's DNA, but the database lacks a matching profile. They believe the Harrington murders could have been prevented if DNA technology and a complete database were available back then.

Virginia has a comprehensive DNA database including arrestees. Virginia's population is less than Los Angeles County, but solves more crimes with DNA than California. In 2002, California solved 148 cases; Virginia 445.

DEFENSE LAWYERS THROUGHOUT AMERICA USE DNA TO PROTECT INNOCENT PEOPLE

DNA evidence is one of the most effective ways to prove someone was not involved with a crime. 69's complete DNA database helps ensure people are not wrongfully accused.

RESPECTING TAXPAYERS

Proposition 69 is funded through a small increase in criminal penalties, not a tax increase or deficit spending. Money is distributed to state and local public safety agencies to maintain the database and solve cases.

PROPOSITION 69—PUBLIC SAFETY AND ACCOUNTABILITY

69 can prevent thousands of crimes by taking dangerous criminals off the streets. Using precise DNA technology, innocent people can be quickly exonerated. For a safer California, VOTE YES ON 69.

ARNOLD SCHWARZENEGGER, *Governor of California*

BILL LOCKYER, *California State Attorney General*

STEVE COOLEY, *Los Angeles County District Attorney*

REBUTTAL to Argument in Favor of Proposition 69

As people who have worked on behalf of victims of violent crime, we support the best tools for solving crimes. **BUT PROPOSITION 69 WILL NOT MAKE US SAFER.** 69 risks taking money that could be spent solving actual crimes. 69 traps thousands of innocent Californians in a criminal database.

69 IS NOT AN "ALL FELON DATABASE." California already has a DNA database of violent criminals. 69 collects DNA samples from anyone arrested, even if your identity is mistaken, if you are mistakenly arrested or among thousands that are arrested and never charged with a crime. Taking thousands of innocent people's DNA and storing it permanently alongside felons is wrong. Mixing the innocent and guilty in one CRIMINAL DATABASE risks your privacy rights.

69 DOES NOTHING TO PROTECT THE INNOCENT. In Nevada, a 26-year-old man was jailed for over a year and faced life in prison before it was discovered that the crime

lab had switched his DNA with that of the true rapist. Last year, it was discovered that a DNA test was misinterpreted in Texas, causing an innocent man to spend 4 years in jail. DNA processing errors may become all too common because 69 requires immediate testing of more than 500,000 Californians.

69 TRAPS YOUR DNA ALONGSIDE CONVICTED CRIMINALS. Once your DNA is in the database, government has no obligation to remove it. The League of Women Voters, responsible law officials, and California's working men and women ALL AGREE: VOTE NO ON 69!

For more information: www.protectmyDNA.com.

RONALD E. HAMPTON, *Executive Director*

National Black Police Association

BOB BARR, *Chair*

Privacy and Freedom Center, American Conservative Union